

COMMUNITY AFFAIRS

Division Of Codes And Standards

Uniform Construction Code

Special Inspector Certification

Adopted Amendments: N.J.A.C. 5:23-2.20, 3.14, 5.3, 5.4, 5.21, 5.22

Adopted New Rules: N.J.A.C. 5:23-5.19G and 5.23B

Proposed: January 3, 2006 at 38 *N.J.R.* 35(a)

Adopted: 2006 by Susan Bass Levin, Commissioner, Department of
Community Affairs

Filed: 2006 as R. 2006 d. _____, **with substantive changes** not requiring additional
public notice or comment (see N.J.A.C. 1:30-6.30).

Authority: N.J.S.A. 52:27D-124

Expiration Date: January 15, 2008

Susan Bass Levin, Commissioner

Summary of Public Comments and Agency Responses:

The Department received comments from Robert B. Corby, Construction Official, Washington Township (Mercer County), Sal DiCristina, Construction Code Official, Rutgers, and Thomas DiGangi, Jr., Director of Government Affairs, Building Contractors Association of New Jersey.

Comment: The commenter suggests wording be included to ensure the proposal is not misinterpreted as including all the special inspections for class one buildings which the local enforcement agency can require. The commenter believes that field knowledge is more valuable than years of study without much experience. The experienced welder who has completed the American Welding Society's certification should be able to qualify as a special inspector.

Response: In response to the commenter's first comment, the amendments are contained in the licensing section of the Uniform Construction Code. The requirements regarding when and what type of special inspections are required are contained in the building subcode. There should be no confusion. In response to the commenter's second comment, the Department disagrees. Field knowledge is one requirement for licensure as a structural steel and welding special inspector. However, education is also an important requirement. Field experience and education together will provide for a well-rounded special inspector.

Comment: A commenter believes that, at N.J.A.C. 5:23-5.19G(c), registered architects should also be exempted from the certification requirements. Exterior insulation finish systems and other weather enclosure systems are traditionally under the purview of the architect of record and not of the consulting engineer. The commenter also believes that at, N.J.A.C. 5:23-5.21(d) 1iv(1), engineers should not be exempt from continuing education requirements. The commenter believes the certification is not an extension of their responsibilities as a professional engineer but is a certification specifically for enforcing the State's Uniform Construction Code. The commenter suggests that, until engineers have a mandatory continuing education requirement for recertification and because building inspectors must attend at least three five hour seminars over a three year license period, engineers should be required, as a qualification for this Uniform Construction Code certification, to attend a five hour technical seminar during a three year licensing period.

Response: In response to the commenter's first comment, the Department thanks the commenter and will amend the requirements for exterior insulation finish system special inspector to include New Jersey registered architects as eligible for licensure. In response to the commenter's second comment, the Department does not think it is necessary to require continuing education for engineers serving as special inspectors. However, should it become apparent that continuing education is necessary; the Department will propose an amendment to this section.

Comment: A commenter believes the standards for all inspectors should be raised so that special categories of inspectors are not needed. The commenter suggests all code officials should receive the necessary training and subsequent certification to inspect the common components in the proposal, i.e. site soil conditions, welding of structural steel, and concrete footings. The commenter believes that increased standards for all inspectors would increase safety.

Response: Special inspectors will always be necessary, regardless of the knowledge of the construction code inspectors. It is not possible for the construction code inspector to be present on the construction site for the duration of the activity that requires the special inspection. The special inspector, however, is required to be present to observe the activity in its entirety.

Federal Standards Statement

No Federal standards analysis is required because this rule is not being adopted under the authority of, or in order to implement, comply with, or participate in any program established under, Federal law or State statute that incorporates or refers to Federal law, standards, or requirements.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks **thus**):

5:23-5.19G Special inspector requirements

(a) – (b) (No change.)

(c) A candidate for an exterior insulation finish system (EIFS) special inspector certification shall meet one of the following educational or experience requirements:

1. (No change.)
2. Possession of a current New Jersey *registration/*license as an *architect
or* engineer; or
3. (No change.)

(d) (No change.)